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22 thoshijima@democracyforward.org

23 *Attorneys for Plaintiffs*

24 [Additional Counsel not listed]

25 UNITED STATES DISTRICT COURT
26 FOR THE NORTHERN DISTRICT OF CALIFORNIA
27 SAN FRANCISCO DIVISION

28 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF BARBARA J.
CHISHOLM IN SUPPORT OF
PLAINTIFFS' MOTION TO SHORTEN
TIME FOR DEFENDANTS TO RESPOND
TO REQUEST FOR PRODUCTION
(LOCAL RULE 6-3)**

DECLARATION OF BARBARA J. CHISHOLM

I, Barbara J. Chisholm, declare as follows:

1. I am a member in good standing of the State Bar of California and the bar of this Court. I represent the Plaintiff organizations in this action. I have personal knowledge of the matters set forth herein.

2. On July 10, 2025, Plaintiffs served by U.S. mail, personal service, and email Plaintiffs' First Set Of Requests For The Production Of Documents To Defendants ("Requests"). A true and correct copy of those Requests is attached hereto as Exhibit A.

3. At approximately 11:50 a.m. Pacific time, July 10, 2025, Plaintiffs' counsel emailed defense counsel a copy of the Requests and asked if Defendants would stipulate to respond within 14 days. Plaintiffs' counsel stated that they were also willing to discuss an alternative timeline for disclosure that would provide the materials in an expedited manner. A true and correct copy of counsel's correspondence is attached hereto as Exhibit B.

4. The parties conducted their Rule 26(f) conference on Friday, July 11, 2025. At the conference, Defense counsel declined to agree to shorten Defendants' time to respond.

5. The only schedule modification in this case to date has been that the parties stipulated to extend Defendants' time to respond to Plaintiffs' complaint by 21 days to July 21, 2025. ECF 175. The Court has also issued other orders requiring expedited responses to motions or notices.

6. The initial case management conference in this case is scheduled for August 1, 2025. ECF 22.

7. Shortening the time for Defendants to respond to Request for Production No. 1 will not cause any delays to the case schedule.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed July 11, 2025, in Berkeley, California.


Barbara J. Chisholm

EXHIBIT A

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**PLAINTIFFS' FIRST SET OF REQUESTS
FOR THE PRODUCTION OF
DOCUMENTS TO DEFENDANTS**

PROPOUNDING PARTY: PLAINTIFFS

RESPONDING PARTY: DEFENDANTS

SET NO.: ONE

Under Federal Rule of Civil Procedure 34, Plaintiffs request that Defendants produce electronic copies of all documents and materials described below, pursuant to the instructions set forth below and an ESI protocol to be negotiated between the parties, to the office of Altshuler Berzon LLP, 177 Post Street, Suite 300, San Francisco, California 94108, within thirty days of the Parties' Rule 26(f) conference. Given the need for discovery to prevent imminent irreparable harm, Plaintiffs further request that Defendants stipulate to provide the documents and materials within fourteen days of the Parties' Rule 26(f) conference, and will seek expedited discovery from the Court if a stipulation cannot be reached.

Plaintiffs' Counsel are amenable to discuss methods of electronic production prior to the deadline for production of documents and any privilege log.

INSTRUCTIONS

1. All DOCUMENTS requested herein must be produced in their entirety, with all attachments and enclosures, regardless of whether you consider the attachments and enclosures to be relevant or responsive to the Request.

2. DOCUMENTS attached to each other should not be separated.

3. In responding to each Request, DEFENDANTS are to produce each and every responsive DOCUMENT in DEFENDANTS' possession, custody, and/or control. If no such DOCUMENTS exist in DEFENDANTS' possession, custody, and/or control, please state that fact in the response. DEFENDANTS need not produce exact duplicates of the same document from multiple custodians.

4. For purposes of these Requests, a DOCUMENT is deemed to be in DEFENDANTS' "control" if any of DEFENDANTS' attorneys, agents, employees, accountants, financial or tax advisors, or any other persons and/or entities purporting to act on DEFENDANTS' behalf have actual physical possession of the DOCUMENT or a copy thereof, or if DEFENDANTS have the right to

1 access or secure the DOCUMENT or copy thereof from another person having actual physical
2 possession of the DOCUMENT.

3 5. When producing DOCUMENTS in response to these Requests, please identify, by
4 name, the specific custodian on whose behalf the DOCUMENT is being produced and in whose
5 possession the DOCUMENT was found.

6 6. These Requests should be construed as broadly as possible with all doubts resolved in
7 favor of production. The words “all,” “any,” “each,” “and,” and “or” shall be construed conjunctively
8 or disjunctively as necessary to make the Request inclusive rather than exclusive. Except as
9 specifically provided in these Requests, words imparting the singular shall include the plural and vice
10 versa, where appropriate. Except as specifically provided in these Requests, words imparting the
11 present tense shall also include the past and future tense and vice versa, where appropriate.

12 7. If any requested DOCUMENT is withheld on the basis of any claim of privilege,
13 PLAINTIFFS request a privilege log served by no later than the document response date.
14 DEFENDANTS must set forth the information sufficient for Plaintiffs to ascertain whether the
15 privilege properly applies, including but not limited to, describing the DOCUMENT withheld, stating
16 the privilege being relied upon, identifying all persons and/or entities (by name, title, address, and
17 relationship to DEFENDANTS) who have had access to such DOCUMENT (including but not
18 limited to all the identity(ies) of the author(s) or maker(s), recipient(s), and cc and bcc recipient(s)),
19 the number of attachments (if any), the Bates or production number of any attachments not withheld
20 on the basis of privilege, the applicable date(s), and the subject matter(s) in a privilege log.

21 8. If any portion of any DOCUMENT responsive to these Requests is withheld under the
22 claim of privilege, all non-privileged portions must be produced with the portion(s) claimed to be
23 privileged redacted and logged in a privilege log pursuant to the preceding instructions.

24 9. If DEFENDANTS object to a portion of any Request, DEFENDANTS should respond
25 to any portion of the Request to which DEFENDANTS have no objection.

26 10. These Requests are to be regarded as continuing pursuant to Rule 26(e) of the Federal
27 Rules of Civil Procedure. DEFENDANTS are required to provide, by way of supplementary
28 responses hereto, such additional information as may be obtained by DEFENDANTS or any person

1 acting on DEFENDANTS' behalf that will augment or modify the answers now given to the
2 following Requests. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, DEFENDANTS
3 are required to supplement these responses and provide additional DOCUMENTS without a specific
4 request from Plaintiffs.

5 11. Plaintiffs serve these requests without prejudice to their rights to serve additional
6 requests for production of DOCUMENTS.

7 **DEFINITIONS**

8 1. COMMUNICATION or COMMUNICATIONS mean communication of thoughts,
9 opinions, information, or documents, including orally or by handwriting, typewriting, e-mail, text
10 messages, chat messages, telephone messages, voicemail, tape-recording, digital recording AND
11 every other means of recording upon any tangible thing, including ESI.

12 2. DEFENDANTS means all defendants identified in Plaintiffs' First Amended
13 Complaint, ECF Dkt. 100, other than the President of the United States Donald J. Trump.

14 3. DOCUMENT or DOCUMENTS have the full meaning ascribed to those terms
15 under Rule 34 of the Federal Rules of Civil Procedure and include, without limitation, any and all
16 drafts; COMMUNICATIONS; correspondence; memoranda; records; reports; books; records,
17 reports, and summaries of personal conversations or interviews; diaries; graphs; charts; diagrams;
18 tables; photographs; recordings; tapes; microfilms; minutes; records, reports, and summaries of
19 meetings or conferences; records and reports of consultants; press releases; stenographic,
20 handwritten, and any other notes; work papers; checks, front and back; check vouchers, check stubs,
21 and receipts; tape data sheets, data processing cards and discs, and any other written, recorded,
22 transcribed, punched, taped, filmed or graphic matter, however produced or reproduced; and any
23 paper or writing of whatever description, including any computer database or information contained
24 in any computer. Any production of electronically stored information shall include the information
25 needed to understand such information. The terms DOCUMENT or DOCUMENTS further includes
26 all copies where the copy is not identical to the original.

27 4. FEDERAL AGENCY DEFENDANTS means defendants so identified in the
28 District Court's Order Granting Preliminary Injunction as well as anyone acting on their behalf

1 including employees, agents, representatives, officials, and any other affiliated individuals. *See* ECF
2 Dkt. 124 at 6.

3 5. OMB means the United States Office of Management and Budget and anyone acting
4 on its behalf including employees, agents, representatives, officials, and any other affiliated
5 individuals.

6 6. OPM means the United States Office of Personnel Management and anyone acting
7 on its behalf including employees, agents, representatives, officials, and any other affiliated
8 individuals.

9 7. DOGE means the Department of Government Efficiency as established by Executive
10 Order No. 14,158, 90 Fed. Reg. 8,441 (Jan. 20, 2025), including the U.S. DOGE Services (USDS),
11 the U.S. DOGE Service Temporary Organization, members of Agency DOGE Teams, and anyone
12 acting on behalf of any of those components, including employees, agents, representatives, officials,
13 and any other affiliated individuals.

14 **REQUEST FOR PRODUCTION NO. 1:**

15 All COMMUNICATIONS between any Federal Agency Defendant and OMB, OPM, or
16 DOGE discussing any Agency RIF and Reorganization Plan (“ARRP”) (in whole or any part),
17 including but not limited to any approvals or disapprovals of those Plans (in whole or any part,
18 formally or informally) and any discussion of whether the contents of those Plans meets or do not
19 meet expectations, communicated by OMB, OPM, or DOGE to any Federal Agency Defendant, from
20 February 26, 2025 to the present.

21 **REQUEST FOR PRODUCTION NO. 2:**

22 To the extent not previously produced by Defendants in this litigation pursuant to court order,
23 all Federal Agency Defendant applications for waivers of statutorily-mandated RIF notice periods.

24 **REQUEST FOR PRODUCTION NO. 3:**

25 To the extent not previously produced by Defendants in this litigation pursuant to court order,
26 all responses by OMB or OPM to any Federal Agency Defendant’s request for waivers of statutorily-
27 mandated RIF notice periods.

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23 *Attorneys for Plaintiffs*

24 [Additional counsel and affiliations listed on signature page]

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PROOF OF SERVICE

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I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is 177 Post Street, Suite 300, San Francisco, California 94108. On July 10, 2025, I served the following document(s):

PLAINTIFFS' FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO DEFENDANTS

on the parties, through their attorneys of record, as designated below:

Personal Service: I caused such document(s) to be served via personal service on the United States Attorney's Office by delivering true and correct copies to the following address(es):

Craig H. Missakian
United States Attorney
U.S. ATTORNEY'S OFFICE
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

Via Electronic Mail: A true and correct copy of the aforementioned document(s) was delivered/transmitted to said parties at the electronic mail address(es) listed below.

Via Certified Mail: I caused such document(s) to be served via USPS Certified Mail by placing true and correct copies of all above documents in the mail to the following address(es):

Andrew Marshall Bernie
Department of Justice
20 Massachusetts Avenue NW
Washington, DC 20530
202-616-8488
Email: andrew.m.bernie@usdoj.gov

Alexander William Resar
Department of Justice
1100 L Street NW
Ste 11208
Washington, DC 20530
202-616-8188
Email: alexander.w.resar@usdoj.gov

Emily Margaret Hall
Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
202-307-6482
Email: emily.hall@usdoj.gov

1 **Eric J Hamilton**

2 Department of Justice

3 950 Pennsylvania Avenue NW

4 Washington, DC 20530

5 202-514-3301

6 Email: eric.hamilton@usdoj.gov

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct. Executed July 10, 2025, at San Francisco, California.

9 /s/ Jada Commodore

10 Jada Commodore

EXHIBIT B

From: Robin Tholin
Sent: Thursday, July 10, 2025 11:50 AM
To: 'andrew.bernie@usdoj.gov'; 'Eric.Hamilton@usdoj.gov'; 'alexander.w.resar@usdoj.gov'; 'andrew.m.bernie@usdoj.gov'; 'emily.hall@usdoj.gov'
Cc: Stacey Leyton; Danielle Leonard; BJ Chisholm; Tsuki Hoshijima; Elena Goldstein
Subject: AFGE v. Trump RFPs
Attachments: 2025.07.10 AFGE v. Trump Plaintiffs RFPs.pdf; 2025.07.10 Proof of Service AFGE v Trump RFPs.pdf

Counsel,

Attached is Plaintiffs' first set of RFPs to all defendants in this case other than President Trump, seeking all communications between OMB/OPM/DOGE and the Defendant Federal Agencies regarding the Agencies' ARRs. Under FRCP 26(d)(2)(b), this request will be deemed served on the date of the parties' Rule 26(f) conference. Given the possible need for further relief in this case to prevent imminent irreparable harm, as described in the request for ruling Plaintiffs filed with the court yesterday, **Plaintiffs request that Defendants stipulate under Rule 29 respond to this discovery request within 14 days of the Parties' Rule 26(f) conference.** We are also willing to discuss an alternative timeline for production that provides these materials in an expedited manner.

If we cannot reach a stipulation, Plaintiffs intend to seek an order from the District Court on expedited discovery of these communications. Please let us know the government's position.

Best,
Robin

Robin Tholin
Altshuler Berzon LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Office: (415) 421-7151 ext. 381
rtholin@altber.com
Pronouns: she/her/hers

ALTSHULER BERZON LLP

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